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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/513,029	02/25/2000	Connie Blackburn	LUCENT-00401	7684
28960	7590	04/22/2005	EXAMINER	
HAVERSTOCK & OWENS LLP 162 NORTH WOLFE ROAD SUNNYVALE, CA 94086			ANWAH, OLISA	
			ART UNIT	PAPER NUMBER
			2645	
DATE MAILED: 04/22/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/513,029

Applicant(s)

BLACKBURN ET AL.

Examiner

Olisa Anwah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Salimando, U.S. Patent No. 5,970,133 (hereinafter Salimando) in view of Tessler et al, U.S. Patent No. 6,289,090 (hereinafter Tessler).

Regarding claim 1, Salimando discloses an audible confirmation system (see Figure 1) in an Intelligent Network for allowing a calling party to audibly hear an audible name of a call recipient, the audible confirmation system comprising:

a database (40) configured for storing a plurality of text names wherein each of the plurality of text names is associated with a unique identifier;

a signal control point (col. 3, line 15) coupled to the database, the signal control point independent (see Figure 1) of

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a call routing path and independent (see Figure 1) of a data path between the calling party and a text to speech converter (30), and configured to control the retrieval of a select one of the plurality of text names in response to a call recipient selected by the calling party;

the text to speech converter (30) coupled to the control point and configured to convert the selected one of the plurality of text names into the audible name.

With further respect to claim 1, Salimando fails to disclose the signal control point is independent of the database. However Tessler discloses this limitation (see col. 10, lines 5-45). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Salimando with a system wherein the signal control point is independent of the database as taught by Tessler. This modification would have improved the efficiency of Salimando by distributing the database as suggested by Tessler (column 10).

Regarding claim 2, see columns 3 and 4 of Salimando.

Regarding claim 3, see columns 3 and 4 of Salimando.

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Regarding claim 4, Salimando discloses a method of allowing a calling party to audibly identify a call recipient (see Figure 2), the method comprising the following steps:

initiating a call from the calling party directed to an identifier belonging to the call recipient (110);

matching (116) the identifier to a text name corresponding to the recipient within a database by a signal control point (col. 3, line 15) independent (see Figure 1) of a call routing path and independent of a data path between the calling party and a text to speech converter (30);

retrieving the text name of the recipient from the database (118);

converting the text name of the call recipient to an audible name (120);

audibly playing the audible name of the call recipient to the calling party prior to connecting the call (124).

Regarding claim 5, see columns 3 and 4 of Salimando.

Regarding claim 6, see columns 3 and 4 of Salimando.

3. Claim 7 is rejected under 35 U.S.C § 103(a) as being unpatentable over Salimando combined with Tessler in further view of Fahrner et al, U.S. Patent No. 6,078,655 (hereinafter Fahrner).

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Regarding claim 7, the combination of Salimando and Tessler does not disclose automatically redialing the call recipient if the call cannot be connected. However Fahrer discloses this limitation (col. 9, lines 5-15). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Salimando and Tessler with the redialing step taught by Fahrer. This modification would have modernized the Salimando-Tessler combination by allowing calls to be completed between a called party and a calling party as suggested by Salimando and Fahrer.

4. Claim 8 is rejected under 35 U.S.C § 103(a) as being unpatentable over Salimando combined with Tessler and Fahrer, in further view of Finnigan, U.S. Patent No. 6,650,737 (hereinafter Finnigan).

Regarding claim 8, the combination of Salimando, Tessler and Fahrer does not disclose leaving the call recipient a pre-recorded message from the calling party. However Finnigan discloses this limitation (col. 5, lines 25-30). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Salimando, Tessler and Fahrer with the message taught by Finnigan. This modification would have improved

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convenience by allowing a calling party to contact a called party as suggested by Salimando, Tessler, Fahrner and Finnigan.

5. Claims 9-14 are rejected under 35 U.S.C § 103(a) as being unpatentable over Finnigan in view of Salimando combined with Tessler.

Regarding claim 9, Finnigan discloses a method of allowing a calling party to audibly identify a call recipient (see abstract), wherein the method comprising pre-recording a voice message by the calling party directed toward an identifier belonging to the call recipient (col. 5, 25-30) and audibly playing the audible name of the recipient to the calling party (col. 2, lines 20-30).

Finnigan does not disclose matching the identifier to a text name corresponding to the call recipient by a signal control point independent of a call routing path and independent of a data path between the calling party and a text to speech converter, wherein the identifier and the text name are stored within the database and converting the text name of the call recipient to an audible name. However Salimando discloses these limitations (see Figures 1 and 2a). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Finnigan with the matching and

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converting steps taught by Salimando. This modification would have improved the cumulative features of Finnigan by allowing for an announcement database that stores either text or audio data as suggested by Salimando.

The combination of Finnigan and Salimando fails to disclose the signal control point is independent of the database. However Tessler discloses this limitation (see col. 10, lines 5-45). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Finnigan and Salimando with a system wherein the signal control point is independent of the database as taught by Tessler. This modification would have improved efficiency by distributing the database as suggested by Tessler (column 10).

Regarding claim 10, see col. 2, lines 20-30 of Finnigan.

Regarding claims 11 and 12, see columns 3 and 4 of Salimando. Also see col. 2, lines 20-30 of Finnigan.

Regarding claim 13, see col. 7, lines 55-65 of Finnigan. Also see columns 3 and 4 of Finnigan.

Regarding claim 14, see column 10 of Tessler.

Response to Arguments

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6. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Applicant contends Tessler does not teach a mechanism by which the display information is converted to speech and audibly presented to the caller. However Examiner does not rely on Tessler to show the claimed text to speech converter. Salimando discloses the claimed text to speech converter (30). Note while Tessler does not explicitly show a text to speech converter, Tessler clearly states that display and audible indications can be delivered to the caller (column 9).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or

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motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Salimando teaches the database 40 functions as both a database and a control point. Salimando does not teach the database is independent of the SCP. Like Salimando, Tessler discloses the names database resides on the SCP (column 10). However Tessler indicates that this arrangement may not be desirable in instances where the signaling network is overloaded. Tessler concludes that the database may be distributed fully in the local databases of the central office switches in order to avoid the difficulty of overloaded networks. For this reason it would have been apparent to an individual of average ability in the field to adjust Salimando with the alternative arrangement disclosed by Tessler. Applicant is strongly advised to amend the claims.

Conclusion

7. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7547. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

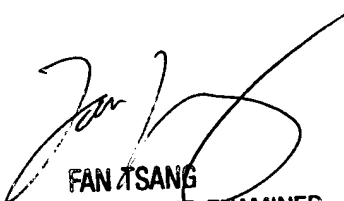
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7533. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

O.A.

Olisa Anwah
Patent Examiner
April 9, 2005


FAN TSANG
SUPERVISORY PATENT EXAMINER
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